

REMARKS

Applicant is submitting herewith revised Figure 6 as requested by the examiner.

Applicant has amended claims 4-5 and 28-29 to overcome the examiner's objections which therefore should be withdrawn.

PRIOR ART REJECTIONS

In response to the examiner's rejection of claims 1-7, 9-30 and 32-46 under 35 USC 103 as being unpatentable over US Patent No. 7,117,495 to Blaser et al. ("Blaser") in view of Softricity System Guard Article ("Softricity") and claims 8 and 31 as being unpatentable over Blaser in view of Softricity, further in view of "The Design and Implementation of Zap: A System for Migrating Computing Environments" article ("Osman") and further in view of US Patent Application Publication No. 2002/0072830 to G. Hunt ("Hunt"), Applicant respectfully traverses these rejections.

Claims 1-7, 9-30 and 32-46

The examiner has rejected these claims as being obvious over Blaser in view of Softricity. However, to establish a prima facie case of obviousness, the examiner must show that each claim element is disclosed or suggested by the combination of prior art cited by the examiner. *See MPEP 2143*. In this case, the examiner cannot show that each claim element is disclosed or suggested by the combination of prior art for the reasons set forth below and must be withdrawn.

Claims 1 and 24

Blaser and Softricity

Neither Blaser nor Softricity disclose or suggest all of the claim elements of the independent claims 1 and 24.

First, Blaser does not describe each of the claim elements of independent claims 1 and 24 and therefore the anticipation rejection is improper. In particular, Blaser does not describe "a

privatized virtual file resource created from an operating system file system wherein the application software only accesses the privatized virtual file resource” nor “a privatized virtual registry created from an operating system registry system wherein the application software only accesses the privatized virtual registry” as set forth in claims 1 and 24. Blaser discloses a system that has “layers” in which, as shown in Figure 2, the applications 200 may access the Layer A 204, Layer B 202 or the Base file system 206 based on a priority scheme described in Blaser. *See Blaser at Col 4, lines 28-50.* Thus, an application 200 accesses both its layer file system (Layer A), the file system of another application layer (Layer B) or the base file system. Similarly, the Blaser system allows the application to access any registry. Therefore, Blaser does not describe each element of the independent claims.

Softricity also does not disclose or suggest each claim element of the independent claims. In particular, the claims recite “a privatized virtual registry created from an operating system registry system wherein the application software only accesses the privatized virtual registry” which is not disclosed or suggested by Softricity. Softricity discloses that:

“Rather than copying the entire Registry, SystemGuard’s virtual registry utilizes an “overlay” method- **items in the real registry may be read by the application** as long as a virtual copy of that item is not available.”

See Softricity at pg. 2.

Thus, Softricity discloses that the application that is running in the SystemGuard system may access/read the registry of the operating system. In contrast, the claims require that “the application software only accesses the privatized virtual registry” so that Softricity does not disclose or suggest this claim element and in fact teaches away from this claim element.

Thus, neither Blaser nor Softricity, alone or in combination, disclose or suggest each claim element and therefore the examiner has not established a prima facie case of obviousness and the obviousness rejection must be withdrawn.

Claims 2-7, 9-23, 25-30 and 32-46

Appl. No. 10/718,867
Reply dated January 27, 2009
Reply to Office Action mailed December 11, 2007

With respect to claims 2-7, 9-23, 25-30 and 32-46, these claims depend from claims 1 and 24 and the examiner has not established a prima facie case of obviousness of these claims for at least the same reasons as the independent claims.

Claims 8 and 31

In view of the lack of disclosure of certain elements of the independent claims as described above in Blaser and Softricity, the obviousness rejection cannot be maintained since Osman and Hunt do not cure the defects in Blaser or Softricity and therefore the rejection of this rejection is improper and must be withdrawn.

CONCLUSION

In view of the above, it is respectfully submitted that Claims 1-46 are allowable over the prior art cited by the Examiner and early allowance of these claims and the application is respectfully requested. The Examiner is invited to call Applicant's attorney at the number below in order to speed the prosecution of this application.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896 referencing Attorney Docket No. 351306-991110.

Respectfully submitted,

DLA PIPER LLP (US)

Dated: January 27, 2009

By /Timothy W. Lohse/
Timothy W. Lohse
Reg. No. 35,255
Attorney for Applicant

Timothy W. Lohse
DLA Piper LLP (US)
2000 University Avenue
East Palo Alto, CA 94303-2248
650-833-2055 (Direct)
650-833-2001 (Facsimile)
timothy.lohse@dlapiper.com